

REMARKS

Claims 1-18 remain pending in the application. The Examiner maintains his rejection of Claims 1-12 and 14-17 under 35 U.S.C. §102(e) as being anticipated by Ostberg et al. (U.S. Patent 6,504,830). The Examiner maintains his rejections of Claims 13 and 18 under 35 U.S.C. §103(a) as being unpatentable over Ostberg et al. in view of Nystrom et al. (U.S. Patent 6,526,091).

Regarding the rejections of independent Claims 1, 5, 9 and 14, the Examiner maintains his position that Ostberg et al. anticipates the elements recited in the claims. Ostberg et al. discloses a method, apparatus and system for fast base synchronization and sector identification. Each of the independent claims of the present application were amended to recite that the “correlation and detection operations of the cell search are performed in two steps...”

In order for the apparatus disclosed in Ostberg et al. to determine a sector when identification of the long code group does not result in the identification of the sector, the apparatus must use the pilot symbols to determine the sector, as explained in col. 7, lines 6-13. Therefore, in order for Ostberg et al. to determine the sector, the primary synchronization code through Perch1 must be received, the secondary synchronization code through Perch2 must be received, and the pilot symbols are then needed to identify the sector.

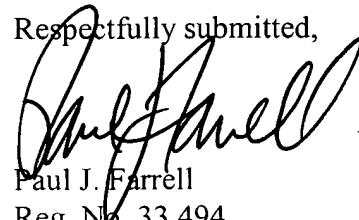
In the claims of the present application, a first synchronization code is received through a primary synch channel, and base station group specific code and a base station specific code is received through a secondary synch channel. Therefore, by receiving the three codes, and in particular, the base station specific code, step 430 of Ostberg et al. is never needed to be performed when practicing the present invention.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 5, 9 and 14, is respectfully requested.

Independent Claims 1, 5, 9 and 14 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6-8, 10-13 and 15-18, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6-8, 10-13 and 15-18 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-18, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr